

ter, shall to that extent be void." 35 Stat. 66, 45 U. S. C. § 55. It is obvious that a release is not a device to exempt from liability but is a means of compromising a claimed liability and to that extent recognizing its possibility. Where controversies exist as to whether there is liability, and if so for how much, Congress has not said that parties may not settle their claims without litigation.

Since we believe the Court of Appeals was right in directing a new trial at which the jury shall be permitted to pass on all issues of fact, the judgment is

Affirmed.

MR. JUSTICE BLACK, MR. JUSTICE DOUGLAS, MR. JUSTICE MURPHY and MR. JUSTICE RUTLEDGE, being of the view that releases under the Federal Employers' Liability Act should be governed by the same rule which applies to releases by seamen in admiralty (see the separate opinion of Judge Jerome Frank, *Ricketts v. Pennsylvania R. Co.*, 153 F. 2d 757, 767-770), dissent from an affirmation of the judgment.

SIPUEL v. BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA ET AL.

CERTIORARI TO THE SUPREME COURT OF OKLAHOMA.

No. 369. Argued January 7-8, 1948.—Decided January 12, 1948.

A Negro, concededly qualified to receive professional legal education offered by a State, cannot be denied such education because of her color. The State must provide such education for her in conformity with the equal protection clause of the Fourteenth Amendment and provide it as soon as it does for applicants of any other group. Pp. 632-633.

199 Okla. 36, 180 P. 2d 135, reversed.

The Supreme Court of Oklahoma affirmed a denial by an inferior state court of a writ of mandamus to require

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admission of a qualified Negro applicant to a state law school. 199 Okla. 36, 180 P. 2d 135. This Court granted certiorari. 332 U. S. 814. *Reversed*, p. 633.

Thurgood Marshall and *Amos T. Hall* argued the cause for petitioner. With them on the brief was *Frank D. Reeves*.

Fred Hansen, First Assistant Attorney General of Oklahoma, and *Maurice H. Merrill* argued the cause for respondents. With them on the brief was *Mac Q. Williamson*, Attorney General.

Briefs of *amici curiae* urging reversal were filed by *Robert W. Kenny*, *O. John Rogge*, and *Andrew D. Weinberger* for the National Lawyers Guild; and *Arthur Garfield Hays* and *Osmond K. Fraenkel* for the American Civil Liberties Union.

PER CURIAM.

On January 14, 1946, the petitioner, a Negro, concededly qualified to receive the professional legal education offered by the State, applied for admission to the School of Law of the University of Oklahoma, the only institution for legal education supported and maintained by the taxpayers of the State of Oklahoma. Petitioner's application for admission was denied, solely because of her color.

Petitioner then made application for a writ of mandamus in the District Court of Cleveland County, Oklahoma. The writ of mandamus was refused, and the Supreme Court of the State of Oklahoma affirmed the judgment of the District Court. 199 Okla. 36, 180 P. 2d 135. We brought the case here for review.

The petitioner is entitled to secure legal education afforded by a state institution. To this time, it has been denied her although during the same period many

white applicants have been afforded legal education by the State. The State must provide it for her in conformity with the equal protection clause of the Fourteenth Amendment and provide it as soon as it does for applicants of any other group. *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337 (1938).

The judgment of the Supreme Court of Oklahoma is reversed and the cause is remanded to that court for proceedings not inconsistent with this opinion.

The mandate shall issue forthwith.

Reversed.

OYAMA ET AL. v. CALIFORNIA.

CERTIORARI TO THE SUPREME COURT OF CALIFORNIA.

No. 44. Argued October 22, 1947.—Decided January 19, 1948.

1. The California Alien Land Law, as applied in this case to effect an escheat to the State of certain agricultural lands recorded in the name of a minor American citizen because they had been paid for by his father, a Japanese alien ineligible for naturalization who was appointed the son's guardian, *held* to have deprived the son of the equal protection of the laws and of his privileges as an American citizen, contrary to the Fourteenth Amendment and R. S. § 1978. Pp. 640-647.

2. The Alien Land Law, as applied in this case, discriminated against the citizen son in the following respects:

(a) By a statutory *prima facie* presumption that conveyances financed by his father and recorded in the son's name were not gifts to the son but that the land was held for the benefit of the father; whereas, for most minors, California applies the rule that where a parent pays for a conveyance to his child it is presumed that a gift was intended. Pp. 641-642, 644-645.

(b) Because, under the laws of California as applied by its courts when the father is ineligible for citizenship, facts which would usually be considered indicia of the son's ownership are used to make that ownership suspect; whereas, if the father were not